

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN REID-DOUGLAS,	:	
Plaintiff,	:	1:16-cv-0441
	:	
v.	:	Hon. John E. Jones III
	:	
VITO GEROULO, et al.,	:	
Defendants.	:	

ORDER

June 29, 2016

NOW THEREFORE, upon consideration of Plaintiff's complaint and attached exhibits (Doc. 1), and in accordance with the Court's Memorandum of the same date, IT IS HEREBY ORDERED THAT:

1. Plaintiff's motions (Docs. 2, 6) to proceed *in forma pauperis* are GRANTED.
2. Plaintiff's complaint is DISMISSED without prejudice pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).¹
3. The Clerk of Court is directed to CLOSE this case.

¹ The Court notes that " '[g]enerally, an order which dismisses a complaint without prejudice is neither final nor appealable because the deficiency may be corrected by the plaintiff without affecting the cause of action.' . . . The dispositive inquiry is whether the district court's order finally resolved the case." *Martin v. Brown*, 63 F.3d 1252, 1257–58 (3d Cir. 1995) (quoting *Borelli v. City of Reading*, 532 F.2d 950, 951 (3d Cir. 1976)) (other citations omitted). In the matter *sub judice*, if Plaintiff successfully challenges and overturns the alleged unconstitutional sentence, he may seek relief pursuant to the Civil Rights Act.

4. Any appeal from this order is DEEMED frivolous and not in good faith. *See* 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III

John E. Jones III

United States District Judge